

Kotzebue Area Proposals 38, 39

Note: Proposed additions to the regulations are **shaded italic text** and proposed deletions are ~~strike-out text~~.

PROPOSAL F2001-38

1. What are you proposing to change?

Kotzebue Area

____.26(l)(1)(iv) You may not subsistence fish for char from June 1 through September 20, in the Noatak River one mile upstream and one mile downstream from the mouth of the Kelly River, and in the Kelly River from its mouth to ¼ mile upstream.

How should the new regulation read?

____.26(l)(1)(iv) ~~You may not subsistence fish for char from June 1 through September 20, in the Noatak River one mile upstream and one mile downstream from the mouth of the Kelly River, and in the Kelly River from its mouth to ¼ mile upstream.~~

2. Why should this change be made? To align Federal regulations with the State regulations.

3. What impact will this change have on fish and wildlife populations? None

4. How will this change affect subsistence users? This change will make it legal for the subsistence user to fish for char in this area.

5. Which communities which have used this resource? When? Noatak

6. Where the resource has been harvested? Noatak River and Kelly River.

7. When the resource has been harvested? June 1 through September 20

Is there any additional information that supports your proposal? Since sport fishing is allowed in this area, this regulation is contrary to state law which affords a subsistence priority and the effect has been to disenfranchise local residents wishing to subsistence fish in the area of the Kelly River while allowing for sport fisheries to continue. The Board of Fisheries dele

ted this regulation from the State at their last March, 2000 meeting.

Proposed by: Northwest Arctic Subsistence Regional Advisory Council (Doc. 2001-38)

PROPOSAL F2001-39

1. What are you proposing to change?

____.26(c)(4) You may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

How should the new regulation read?

____.26(c)(4) You may not obstruct more than one-half the width of any stream ***except for the taking of whitefish in the Kotzebue Area.*** with any gear used to take fish for subsistence uses

2. Why should this change be made? Our Inupiat people have been traditionally fishing in streams for thousands of years. They are opportunistic subsistence users. The streams used for fishing during the spring and fall are usually up to 30 feet in width. They would set their nets blocking the whole width of the stream to catch their fish. When enough fish are caught, the net is pulled to work on their catch. When done, they set their net again. This regulation makes it illegal for them to do this.

3. What impact will this change have on fish and wildlife populations? None

4. How will this change affect subsistence users? The deletion of this regulation would make it legal for our Inupiat people to continue to traditionally fish as they have for thousands of years.

5. Which communities which have used this resource? When? All of the GMU 23 villages.

6. Where the resource has been harvested? All streams in GMU 23.

7. When the resource has been harvested? Spring and fall seasons.

Is there any additional information that supports your proposal? The State regulation has not been enforced and there is no conservation concern that it addresses.

Proposed by: Northwest Arctic Subsistence Regional Advisory Council (Doc. 2001-39)

PROPOSAL F2001-5

1. What are you proposing to change? Including St. Michael in the customary and traditional determination for:

- a. Yukon River drainage salmon other than Yukon River fall chum salmon and
- b. Yukon River fall chum salmon.

How should the new regulation read?

Yukon River drainage Salmon other than Yukon River fall chum salmon -
Residents of the Yukon Area, including the communities of
Stebbins **and St. Michael.**

Yukon River drainage Yukon River fall chum salmon -
Residents of the Yukon River drainage, including the communities of
Stebbins, **St. Michael**, Scammon Bay, Hooper Bay, and Chevak.

2. Why should this change be made? Stebbins, a neighboring community located approximately ten miles from St. Michael, is currently included in the customary and traditional determination for Yukon salmon and fall chum salmon. Stebbins and St. Michael are related by language, culture and kinship and traditionally use the same areas for harvesting and gathering subsistence foods.

3. What impact will this change have on fish and shellfish populations? None.

4. How will this change affect subsistence users? It will give residents of St. Michael the same customary and traditional use status to harvest Yukon River salmon and fall chum salmon as their neighbors in Stebbins.

5. Which communities have used this resource? When? Residents from Kotlik fish in the area and occasionally people will travel from Emmonak and Alukanuk to harvest salmon.

6. Where has the resource been harvested? Salmon and other freshwater fish are harvested for subsistence use in the Pikmiktalik, Nunavulnuk, Gulyuk (sp.?) and Big and Little Canal Rivers. There are also numerous unnamed streams and tributaries that are known and used by residents from Stebbins and St. Michael that don't appear on maps.

7. When has the resource been harvested?
King salmon: late May through June

Pink salmon: late June through July
Chum salmon: late June through July and August
Coho salmon: late July through September

Proposed by: Leonard Kobuk, St. Michael (Doc. F2001-05)

PROPOSAL F2001-6

1. What are you proposing to change? Fishing periods for Yukon-Northern area. Repeal the regulation that restricts a subsistence fisherman registered for a particular district commercially, to only be allowed to subsistence fish in that same district.

How should the new regulation read?

~~____.26(i)(3)(xxiv) If you are a commercial salmon fisherman who is registered for District 1, 2, or 3, you may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village.~~

2. Why should this change be made? The current regulation only affects fishermen who are registered to fish commercially in one of the Lower Yukon Area districts (Districts 1, 2, or 3). Currently, some fishermen reside and fish in one district, but fish commercially in another district. For example, there are fishermen from Mountain Village who fish commercially in District 1. Mountain Village is within District 2. Many of these fishermen travel to District 1 only to participate in the District 1 commercial fishing periods. Many of these same fishermen also subsistence fish near their village in District 2. This regulation makes it illegal for these Mountain Village fishermen, while registered for District 1, to subsistence fish in District 2. This regulation places an undue hardship on subsistence fishing.

3. What impact will this change have on fish and shellfish populations? Repealing this restriction may make it easier for subsistence fish caught in one district in being illegally sold commercially in another.

4. How will this change affect subsistence users? Districts 1, 2, and 3 subsistence fishermen will benefit from having this regulation repealed.

Proposed by: Yukon River Drainage Fisheries Association, Anchorage (Doc. F2001-06)

PROPOSAL F2001-7

1. What are you proposing to change? Special Provisions for the Yukon-Northern area subsistence fishing regulations.

How should the new regulation read?

____.26(i)(3)(xxi) You must possess a subsistence fishing permit for the following locations:

- (A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;
- (B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;
- (C) For whitefish and suckers in Birch Creek and within 500 feet of its mouth;
- (D) For the Tanana River drainage above the mouth of the Wood River;
- (E) For the Kantishna River drainage.**

2. Why should this change be made? Consistency with state regulations aimed at maintaining sustainability of the Toklat River fall chum salmon and to document subsistence fishing harvests in the Kantishna River drainage.

3. What impact will this change have on fish and shellfish populations? Assure monitoring of subsistence harvest pressure on the Toklat River fall chum salmon.

4. How will this change affect subsistence users? Little or no effect. Subsistence users fishing in the Kantishna River drainage will merely need to report their harvest.

Proposed by: Yukon River Drainage Fisheries Association, Anchorage (Doc. F2001-07)

PROPOSAL F2001-8

1. What are you proposing to change? Special Provisions section for the Yukon-Northern area regulations.

How should the new regulation read?

____.26(i)(3)(xxi) You must possess a subsistence fishing permit for the following locations:

- (A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;
- (B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;
- (C) For whitefish and suckers in Birch Creek and within 500 feet of its mouth;
- (D) For the Tanana River drainage above the mouth of the Wood River **for salmon only**.

2. Why should this change be made? The current regulations require a subsistence fishing permit for the taking of fish in the Tanana River drainage above the mouth of the Wood River. Compliance with the non-salmon permit requirement and reporting of non-salmon harvest has been poor in this area. The Alaska Department of Fish and Game has spent very little effort and resources in bringing non-salmon subsistence users into compliance with their similar regulation. In the lower portion of the Tanana River drainage, state regulations only require a subsistence fishing permit for the taking of salmon.

The state has had poor compliance with its existing non-salmon permit requirement. With decreasing funds and resources, the ADF&G may not be able to increase the effort necessary to bring non-salmon subsistence fishermen in the upper Tanana River drainage into compliance with its regulation or the corresponding Federal regulation.

The best solution is to make the upper Tanana River drainage permit requirement similar to that of the lower portion of the Tanana River drainage and require only a subsistence salmon fishing permit.

3. What impact will this change have on fish and shellfish populations? None. Agencies may lose a tool to document the upper Tanana River non-salmon subsistence harvest.

4. How will this change affect subsistence users? Non-salmon subsistence users in the upper Tanana River drainage would no longer be required to obtain a subsistence fishing permit.

Proposed by: Yukon River Drainage Fisheries Association, Anchorage (Doc. F2001-08)

PROPOSAL F2001-9

1. What are you proposing to change? Yukon-Northern Area - Special Provisions (Page 12):

- \$ delete the requirement for a permit for whitefish and suckers for Birch Creek and within 500 feet of its mouth
- \$ refine permit requirement to be upstream of the Birch Creek bridge on the Steese Highway for whitefish and suckers

How should the new regulation read?

____.26(i)(3)(xxi) You must possess a subsistence fishing permit for the following locations:

- (A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;
- (B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;
- (C) For whitefish and suckers in Birch Creek **upstream from the bridge on the Steese Highway** ~~and within 500 feet of its mouth;~~
- (D) For the Tanana River drainage above the mouth of the Wood River.

2. Why should this change be made? There is no need to require a permit for local subsistence users for whitefish and suckers on the entire Birch Creek. Permits are only needed where fishing is concentrated around the bridge on the Steese Highway east of Circle.

3. What impact will this change have on fish and shellfish populations? No impact because subsistence harvest will remain the same. Limiting permitting to a key access point might provided the needed data and protection of these fish species.

4. How will this change affect subsistence users? This change will eliminate the administrative burden on subsistence users which is not needed.

Is there any additional information that supports your proposal?

Parallel proposals will be before the Alaska Board of Fisheries. Caution will be needed to avoid regulatory confusion for subsistence users. Villages of Circle and Birch Creek support this proposal.

Proposed by: Council of Athabascan Tribal Governments, Fort Yukon (Doc. F2001-09)

PROPOSAL F2001-10

1. What are you proposing to change? Yukon-Northern Area - Special Provisions (Page 12):

Delete the permit requirement for the Yukon River drainage from the mouth of 22 Mile Slough upstream to the U.S. - Canada border.

How should the new regulation read?

____.26(i)(3)(xxi) You must possess a subsistence fishing permit for the following locations:

- (A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;
- ~~(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;~~
- (C) For whitefish and suckers in Birch Creek and within 500 feet of its mouth;
- (D) For the Tanana River drainage above the mouth of the Wood River.

2. Why should this change be made? There is no need for the permit requirement because subsistence harvest remains unchanged.

3. What impact will this change have on fish and shellfish populations? No impact.

4. How will this change affect subsistence users? Reduce administrative burden on subsistence users which is not needed.

Is there any additional information that supports your proposal?

Village of Circle supports this proposal.

Proposed by: Council of Athabaskan Tribal Governments, Fort Yukon (Doc. F2001-10)

PROPOSAL F2001-11

1. What are you proposing to change? Adopt a new regulation restricting targeting of king salmon specifically for use as dog food.

How should the new regulation read?

In the Yukon Area, king salmon shall be used primarily for human consumption and not targeted for dog food. You may not process king salmon for dry dog food in the Yukon Area except that whole fish unfit for human consumption, fish scraps, and fish under 16 inches may be fed to dogs. However, whole king salmon caught incidental to chum salmon-directed fishing after the following dates and in the following areas may be fed to dogs:

- a. After July 10th in the Koyukuk River drainage;*
- b. After July 20th in District 6 and the Tanana River drainage.*

2. Why should this change be made? The increase in the harvest of king salmon taken to feed dogs primarily in the Eagle area in 1998 and 1999 and the lack of regulations to discourage such non-customary and non-traditional use of king salmon. The person or persons near Eagle deliberately engaging in the harvest of king salmon for use as dried dog food may very well continue this practice ignoring both customary and traditional use patterns of king salmon. Others may choose to follow their example so that in another decade or two this socially and culturally aberrant practice might be recognized as customary and traditional by either the Alaska Board of Fisheries or the Federal Subsistence Board.

3. What impact will this change have on fish and shellfish populations? The king salmon resource will benefit because this practice will be made illegal.

4. How will this change affect subsistence users? This regulation would explicitly show respect for the thousands of subsistence users throughout the Yukon drainage who respect the customary and traditional use pattern of using king salmon almost exclusively for human consumption. In addition, the subsistence users in the Koyukuk River and Tanana River drainages whose occasional but long-standing use of highly sexually mature king salmon nearing their terminal streams will be respected.

The regulation will only affect the person or persons residing near Eagle who deliberately targeted king salmon for use as dry dog food beginning in 1998 and who repeated the same act in 1999.

Is there any additional information that supports your proposal?

Anderson, David B. ADF&G Subsistence Division, March 2000. "The Use and Feeding of Sled Dogs in the Upper Yukon River, Alaska: A report to the Alaska Board of Fisheries."

Proposed by: Yukon River Drainage Fisheries Association, Anchorage (Doc. F2001-11)

PROPOSAL F2001-32

1. What are you proposing to change? Close sport fishing for pike and sheefish in the Innoko River. The areas affected are the mouth of the Innoko and its tributaries up to 30 miles above the old Holikachuck.

The current regulation reads as follows:

How should the new regulation read?

2. Why should this change be made? To protect the subsistence resources that are used by the villages of Grayling, Anvik, Shageluk, and Holy Cross. Subsistence fishing is done the first of June until September 31, to freeze up. And then from January until May. This particular problem began a few years ago.

3. What impact will this change have on fish and shellfish populations? The salmon spawning beds are being disturbed by the heavy traffic when sport fishing takes place on the Innoko River. Also, the pike and sheefish are getting smaller. The reason for this dramatic change is unknown.

4. How will this change affect subsistence users? This may increase the population of pike, sheefish, and whitefish in the Innoko River. It may also help the spawning streams to produce more with the reduction in boat traffic. This will definitely benefit the customary and traditional users that depend on this fish of resource to feed their families.

5. Which communities have used this resource? When? Grayling, Anvik, Shageluk, and Holy Cross are the primary users of this resource. See # 2 and # 7 for harvest times.

6. Where has the resource been harvested? The mouth of the Innoko River, including the following tributaries: 20-Mile Slough (This connects Albert's and Reindeer Lakes), Albert's Lake and Slough, Reindeer Lake and River, Layman's Creek and Lake, Calahan Creek, Yukon Slough, and other tributaries that have not ben named. Local people have their own names for side creeks and sloughs.

7. When has the resource been harvested? Early spring, summer, fall, and throughout the winter.

Is there any additional information that supports your proposal?

Proposed by: Angela Demientieff, Holy Cross (Doc. F2001-32)

PROPOSAL F2001-36

1. What are you proposing to change? Adding language to the Federal regulations to ensure consistent management of the fall chum subsistence fisheries in the Yukon River drainage.

The current regulation reads as follows:

How should the new regulation read? Proposed language is as follows:

Guidelines for the management of the Yukon River drainage fall chum subsistence fisheries. The objectives of these guidelines are to ensure adequate escapement of fall chum salmon into the Yukon River drainage and to provide management guidelines to the Federal subsistence management staff from July 16 through December 31 each year, as follows:

- 1. Federal subsistence fisheries management staff shall use the best available data, including preseason projections, mainstem river sonar passage estimates, test fisheries indices, subsistence fishing reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan;***
- 2. When the projected run size is 350,00 chum salmon or less, the commissioner shall close, by emergency order, the***
 - (A) subsistence directed chum salmon fisheries shall be closed except that if indicators suggest that an individual escapement goal in a subdistrict, district, or a portion of a subdistrict or district will be achieved, a subsistence directed chum salmon fishery may be allowed in that district, subdistrict, or portion of the subdistrict or district;***
- 3. When the projected run size is more than 350,000 but not more than 450,000 chum salmon, the***
 - (A) targeted drainagewide optimal escapement goal is 350,000 chum salmon; and***
 - (B) the subsistence chum salmon directed fisheries shall be managed to achieve the targeted drainagewide optimal escapement goal, except that if indicators suggest that an individual escapement goal in a subdistrict, district, or a portion of a subdistrict or district will be achieved, a less restrictive subsistence directed chum salmon fishery may be allowed in that district, subdistrict, or portion of the subdistrict or district;***

4. When the projected run size is more than 450,000 but not more than 550,000 chum salmon, the

(A) targeted drainagewide optimal escapement goal is 375,000 chum salmon; and

(B) the subsistence chum salmon directed fisheries shall be managed to achieve the targeted drainagewide optimal escapement goal, except that if indicators suggest that an individual escapement goal in a subdistrict, district, or a portion of a subdistrict or district will be achieved, a less restrictive subsistence directed chum salmon fishery may be allowed in that district, subdistrict, or portion of the subdistrict or district;

5. When the projected run size is more than 550,000 but not more than 600,000 chum salmon, the

(A) targeted drainagewide optimal escapement goal is 400,000 chum salmon; and

(B) the subsistence chum salmon directed fisheries shall be managed to achieve the targeted drainagewide optimal escapement goal, except that if indicators suggest that an individual escapement goal in a subdistrict, district, or a portion of a subdistrict or district will be achieved, a less restrictive subsistence directed chum salmon fishery may be allowed in that district, subdistrict, or portion of the subdistrict or district;

6. When the projected run size is more than 600,000, the targeted drainagewide optimal escapement goal is 400,000 or more chum salmon and a subsistence fishery will be allowed according to the fishing seasons and periods specified for the districts and subdistricts and tributaries of the Yukon.

2. Why should this change be made?

3. What impact will this change have on fish and shellfish populations? None.

4. How will this change affect subsistence users? Subsistence users will benefit through the use of a floating escapement goal that recognizes the need to minimize the likelihood of subsistence fishing restrictions and/or closures.

Is there any additional information that supports your proposal?

Proposed by: Yukon River Drainage Fisheries Association, Anchorage (Doc. F2001-36)

PROPOSAL F2001-37

1. What are you proposing to change? Plaintiffs propose to change Subpart D Sec. _____.26(i)(4)(xvii) 64 Fed. Reg. 1307 (January 8, 1999) as follows: “rainbow trout may be taken for subsistence uses by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak.” Subsections A-C of this provision which contain restrictions on time, method and means should be deleted.

Plaintiffs also propose to eliminate Subpart D Sec. _____.26(c)(17)(ii) 64 Fed. Reg. 1304 (January 8, 1999) which restricts the number of rainbow trout plaintiffs are allowed to harvest for subsistence uses to the bag limit allowed under State of Alaska sport fish regulations.

The current regulation reads as follows:

_____.26(c)(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

- (i)
- (ii) If you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel is the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

_____.26(i)(4)(xvii) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak, subject to the following restrictions:

- (A) You may take rainbow trout only by the use of gillnets, rod and reel, or jigging through the ice;
- (B) You may not use gillnets for taking rainbow trout from March 15 - June 15;
- (C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes.

How should the new regulation read?

____.26(c)(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i)

(ii) If you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel is the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations. ***The seasons and harvest limits described in this paragraph do not apply to the taking of rainbow trout by the residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak.***

____.26(i)(4)(xvii) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak, ~~subject to the following restrictions:~~

~~(A) You may take rainbow trout only by the use of gillnets, rod and reel, or jigging through the ice;~~

~~(B) You may not use gillnets for taking rainbow trout from March 15 - June 15;~~

~~(C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes.~~

2. Why should this change be made? The changes proposed by plaintiffs will make federal regulation of plaintiffs' subsistence use of rainbow trout consistent with the Ninth Circuit Court of Appeals decision in Native Village of Quinhagak v. United States, 35 F.3d 388 (9th Cir.1994) and the mandates of Title VIII of the Alaska National Interest Lands Conservation Act.

3. What impact will this change have on fish and shellfish populations? The proposed regulatory changes merely allow plaintiffs to continue to harvest rainbow trout consistent their customary and traditional patterns of taking and use as they have since time immemorial. Since 1993 plaintiffs' rainbow trout subsistence fisheries have been regulated pursuant to a preliminary injunction that mirrors the regulatory changes plaintiffs propose here. No detriment to rainbow trout populations has occurred while plaintiffs have fished pursuant to the preliminary injunction, and there is no reason to believe that continuing to subsistence fish under this regime will cause any threat to the viability of the rainbow trout populations at issue. Finally, if the Federal Board has conservation concerns, it must limit or eliminate non-subsistence fisheries before restricting subsistence uses.

4. How will this change affect subsistence users? The proposed regulatory changes will allow plaintiffs to continue to harvest rainbow trout consistent with customary and traditional patterns of taking and use as they have since time immemorial.

Is there any additional information that supports your proposal? Communications regarding this proposal should be directed to: John Sky Starkey, Attorney for Plaintiffs, 36170 Sunshine Street, Homer, Alaska, (907) 235-3258; and Bill Caldwell, Attorney for Plaintiffs, Alaska Legal Services Corporation, 1648 Cushman Street, Suite 300, Fairbanks, Alaska 99701. (907) 452-5181

Proposed by: John Sky Starkey, Homer (Doc. F2001-37)

PROPOSAL F2001-12

1. What are you proposing to change? Bristol Bay Area

____.26(i)(5)(xvi) After August 20, you may not possess coho salmon for subsistence purposes in the Togiak River section and the Togiak River drainage unless the head has been immediately removed from the salmon.

How should the new regulation read?

~~____.26(i)(5)(xvi) After August 20, you may not possess coho salmon for subsistence purposes in the Togiak River section and the Togiak River drainage unless the head has been immediately removed from the salmon.~~

2. Why should this change be made? Delete the requirement to remove the head. The meat of the fish can become contaminated if the head is removed.

3. What impact will this change have on fish and shellfish populations? None.

4. How will this change affect subsistence users? Better fit their needs.

Is there any additional information that supports your proposal?

Proposed by: BBNA Natural Resources Department, Dillingham (Doc. F2001-12)

PROPOSAL F2001-41

1. What are you proposing to change? Kodiak Area:

____.26(i)(9)(iii) You may not subsistence fish for salmon in the following locations:

(A) All waters closed to commercial salmon fishing in the Chiniak Bay and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

How should the new regulation read?

____.26(i)(9)(iii) You may not subsistence fish for salmon in the following locations:

(A) ~~All waters closed to commercial salmon fishing in the Chiniak Bay and all waters~~ closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

2. Why should this change be made? Protect subsistence opportunity.

3. What impact will this change have on fish and shellfish populations? Hopefully this will reduce pressure on the sockeye salmon.

4. How will this change affect subsistence users? This will help insure the local people of Kodiak meet the needs of traditional harvest.

5. Which communities have used this resource? When? Kodiak and Ouzinkie.

6. Where has the resource been harvested? Buskin River drainage and Womans Bay.

7. When has the resource been harvested? May and June.

8. Is there any additional information that supports your proposal? This area is the only location in close proximity for subsistence harvest of the resource.

Proposed by: Mark Olsen, Kodiak (Doc. F2001-41)

PROPOSAL F2001-42

1. What are you proposing to change? Kodiak Area:

____.26(i)(9)(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from April 15 through June 30.

How should the new regulation read?

____.26(i)(9)(iv) You must have a **Federal** subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a **Federal** subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from April 15 through June 30.

2. Why should this change be made? Protect subsistence opportunity.

3. What impact will this change have on fish and shellfish populations?

4. How will this change affect subsistence users? This will help insure the local people of Kodiak meet the needs of traditional harvest.

5. Which communities have used this resource? When? Kodiak and Ouzinkie.

6. Where has the resource been harvested? Buskin River drainage and Womans Bay.

7. When has the resource been harvested? May and June.

8. Is there any additional information that supports your proposal?

Proposed by: Mark Olsen, Kodiak (Doc. F2001-42)

PROPOSAL F2001-43

1. What are you proposing to change? Kodiak Area:
Protect subsistence harvesters.

How should the new regulation read?

____.26(i)(9) You may not operate any part of a set gillnet within 150 feet of any part of another set gillnet.

2. Why should this change be made? Protect subsistence opportunity.

3. What impact will this change have on fish and shellfish populations?

4. How will this change affect subsistence users? This will help insure the local people of Kodiak meet the needs of traditional harvest.

5. Which communities have used this resource? When? Kodiak and Ouzinkie.

6. Where has the resource been harvested? Buskin River drainage and Womans Bay.

7. When has the resource been harvested? May and June.

8. Is there any additional information that supports your proposal?

Proposed by: Mark Olsen, Kodiak (Doc. F2001-43)

PROPOSAL F2001-44

1. What are you proposing to change? Kodiak Area:

____.26(i)(9)(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

How should the new regulation read?

____.26(i)(9)(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels **(use of skiffs from any type of vessel are allowed)** to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

2. Why should this change be made? Protect subsistence opportunity.

3. What impact will this change have on fish and shellfish populations?

4. How will this change affect subsistence users? This will help insure the local people of Kodiak meet the needs of traditional harvest.

5. Which communities have used this resource? When? Kodiak and Ouzinkie.

6. Where has the resource been harvested? Buskin River drainage and Womans Bay.

7. When has the resource been harvested? May and June.

8. Is there any additional information that supports your proposal?

Proposed by: Mark Olsen, Kodiak (Doc. F2001-44)

PROPOSAL F2001-13

1. What are you proposing to change? Ninilchik Traditional Council (NTC) proposes a significant change to both customary and traditional use regulations for fisheries and for shellfish in the federal subsistence regulations draft to be effective from March 1, 2001 until February 28, 2002. (a part of 50 CFR Part 100 and 36 CFR Part 242)

The current regulations for fisheries do not allow for subsistence taking in the Kenai Peninsula Area of any salmon species and Dolly Varden, trout, char, grayling, and burbot for customary or traditional use. (NTC)

The current regulations for shellfish do not allow for subsistence taking in the Kenai Peninsula Area of any shellfish species. (NTC)

I'm proposing to use my Federal subsistence priority as mandated by ANILCA. (Vanek and Bahr)

How should the new regulation read?

COOK INLET AREA	Fish other than salmon, Dolly Varden, trout, char, grayling, and burbot - Residents of the Cook Inlet Area.
-----------------	---

COOK INLET AREA	<i>All fish - Residents of the Kenai Peninsula District.</i>
-----------------	---

COOK INLET AREA	Shellfish - No subsistence.
-----------------	-----------------------------

COOK INLET AREA	<i>All shellfish - Residents of the Kenai Peninsula District.</i>
-----------------	--

The taking and use of fish and shellfish during all periods of seasonal presence of such species is allowed by residents of the Kenai Peninsula District.

Cook Inlet Area Proposals 13 & 33

2. Why should this change be made? To bring laws governing subsistence taking for customary and traditional uses into compliance with the U.S. laws contained ANILCA Section 804, with traditional use priorities established by U.S. Courts and U.S. Congress, and with priority rights for all game, fish and shellfish species afforded to subsistence users of the State of Alaska and the Kenai Peninsula District. (NTC)

3. What impact will this change have on fish and shellfish populations? It is anticipated that there will be no overall impact on the populations of included species of fish and shellfish. This is due to the fact that only the priority among user groups is to be redefined. No greater overall take or depletion of each species will result. Only the priorities for user categories will be brought into compliance with current laws and mandates of ANILCA Section 804. (NTC)

None, it will have an affect on the users.(Vanek) None, it will have impacts on downstream users such as charter boats, sport fishing, and commercial users. (Bahr)

4. How will this change affect subsistence users? Any resulting changes that might impact subsistence users would all be of a positive nature. The result of the adoption and implementation of these changes would be to finally recognize and enforce the legal rights of all subsistence users to fulfill their customary and traditional use needs for which the named resources have been given a rural subsistence preference under federal law and definitive judgment of the courts. (NTC)

It will fulfill the mandate and finally give all residents in Ninilchik the right to all subsistence fish and to feed and cloth my family. (Vanek and Bahr)

5. Which communities have used this resource? When? All communities along Cook Inlet having traditional and customary use for subsistence purposes (including Ninilchik.) (NTC, Vanek, and Bahr)

6. Where has the resource been harvested? All species of fish and shellfish made a part of this proposal are harvested from various areas along the coastal inlet waters, lakes and streams of the Cook Inlet and associated waterways. Specific resource harvest areas are more accurately depicted in the recent and comprehensive study titled "1999 ANILCA Subsistence Survey" as conducted and reported by the Ninilchik Traditional Council. (NTC)

In the streams, on the beaches, and in Cook Inlet waters.
(Vanel and Bahr)

7. When has the resource been harvested? True subsistence use and taking has, and is, known to occur at virtually all times the resources is present, in adequate supply and abundance, and when the need is greatest to fulfill the customary and traditional needs of those who are utilizing the resource. Seasonal limits, bag limits and other such limitations or regulations inconsistent with the very nature and purpose of subsistence harvest and customary and traditional uses should not be imposed. With adequate resources to meet all priority subsistence needs being present for virtually all species under consideration, there is simply no constructive reasoning or legal precedence for imposing such limitations. Only the true subsistence needs of the individual user should be a factor limiting the taking of specific species. It is clear the intent of the law in ANILCA Section 804 was to provide for every single subsistence need, at 100% of fulfillment of each specific need, to the maximum extent that the resource availability can provide for. There is no other measure at law or in historical precedence, which can lead to a contrary finding. (NTC)

All year round. (Vanek and Bahr)

Is there any additional information that supports your proposal? Yes, the traditional and federally-recognized government for the central Kenai Peninsula area and Ninilchik, the Ninilchik Traditional Council, has undertaken long-term, intensive studies and door-to-door, comprehensive surveys, which convincingly support the absolute need for continued priority being given to customary and traditional use needs, adequate designation of harvest and use areas, and seasonal taking priorities.

ANILCA Section 804 is the very law that brought about the recognition of these rights, and resource utilization priorities, for all peoples of this state. It must be upheld. Priorities for resource allocation are legal, are morally correct, and are a fulfillment of the duties and responsibilities of us all, to those who are dependent on the resources for life, livelihood, and for the continuation of their lives in a meaningful, healthy, and respectable manner. Additionally, precedence is well laid out not only through ANILCA Section 804, but also through many recent court applications and understandings of the priority provisions of federal law in the state of Alaska.

Further, additional studies and research by the U.S. Government Agencies, and even the State of Alaska administration, fully support, and are consistent with the findings of Ninilchik Traditional Council. The time to act is now. (NTC)

The law, Congressional mandates, and agreements between the U.S. and Alaska Natives, plus 9th Circuit Court summary judgment that all residents on the Peninsula are considered rural for subsistence purposes. (Vanek and Bahr)

Proposed by: Ninilchik Traditional Council, Stephen Vanek, and Fred H. Bahr, Ninilchik (Doc. F2001-13)

PROPOSAL F2001-33

1. What are you proposing to change? Open Tuxedni Bay to subsistence fishing of herring, crab, smelt, whitefish, razor clams, and salmon. Open to residents of only. Open Tuxedni Bay to subsistence hunting of one moose, one brown bear, gathering seagull eggs, and one black bear per family for customary and traditional use.

The current regulation reads as follows:

How should the new regulation read?

2. Why should this change be made? Open the waters of Tuxedni Bay to subsistence hunting and fishing of all species for residents of the Bay inside a line due southeast of Crescent River mouth and intersecting another line drawn northeast of the south side of the Bay. (Tuxedni Bay is a remote area with no roads, phone lines, or super markets to buy food.)

3. What impact will this change have on fish and shellfish populations? No impact. The number of residents is too small to have an impact. To me, the very nature of the definition of subsistence is rural residents with no electric lines, no roads or access who have traditionally used and depend on the resource.

4. How will this change affect subsistence users? It will make us legal, and save the government money because they won't have to watch us with airplanes all the time. It will decriminalize residents.

5. Which communities have used this resource? When? There are no communities who use these resources, only a few residents.

6. Where has the resource been harvested? Clams are dug on the Crescent River bar, salmon are caught around the Bay.

7. When has the resource been harvested? Smelt run in April, May and June. Herring run April to June. Clams are harvested all year. (Salmon you know.)

Is there any additional information that supports your proposal? To my knowledge there is no sharing. We have freezers and a generator. We also smoke, salt, and can. I have lived here 56 years. I know when to harvest by experience.

Proposed by: Henry Kroll, Seldovia (Doc. F2001-33)

PROPOSAL F2001-14

1. What are you proposing to change? Fishing in the estuary system only. Provide for subsistence as provided for by State ADF&G regulations during commercial harvest as applied to the Copper River system.

How should the new regulation read? Limit subsistence fishing to estuary system only. [*Wording in this section added by Office of Subsistence Management.*]

2. Why should this change be made? To allow better enforcement ability, to provide terminal harvest quotients and data, to provide better harvest product as saltwater harvest is always better, to allow escapement goals for future stock to escape to their spawning grounds unmolested, to allow for better management of salmon stock.

3. What impact will this change have on fish and shellfish populations? This will allow better numbers of fish harvested in the river system and provide better data for management tools.

4. How will this change affect subsistence users? It will include some transition to travel to the coast to operate their fish camp, but traditional peoples used to travel to fish camp summer locations anyway.

5. Which communities have used this resource? When? Cordova during king season and coho season.

6. Where has the resource been harvested? Up rivers with fishwheels. How many fish can a family eat? They are fishing on the spawning grounds. Too hard to manage. No one is checking.

7. When has the resource been harvested? All summer; June - September.

Is there any additional information that supports your proposal? The trend so far has been 2 twenty-four hour periods to commercially harvest salmon on the Copper River. That leaves 5 twenty-four hour periods for escapement purposes and subsistence goals and sport fishing goals.

Proposed by: Joe Gale, Anchorage (Doc. F2001-14)

PROPOSAL F2001-15

1. What are you proposing to change? Change C & T determination to open Chitina Subdistrict to Federally-qualified subsistence users.

[Note: this appears to be both a C & T, as well as a subpart D proposal.]

How should the new regulation read?

~~You may not take salmon in the Chitina Subdistrict.~~

The Chitina Subdistrict is open to Federally-qualified subsistence users from the villages of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.

2. Why should this change be made? To allow Federal subsistence users to access their traditional fishing areas for subsistence use.

3. What impact will this change have on fish and shellfish populations? None

4. How will this change affect subsistence users? Increase opportunity, many subsistence users were forced away from their traditional fishing sites by state regulations and over crowding by people from the urban areas. State regulations closed fishwheel use in 1977, and opened this area only to dip netters, who were mainly from Fairbanks, Alaska.

5. Which communities have used this resource? When? The community of Chitina Elders says that the area was used historically and use only stopped when the state forced local people out, and also due to being forced out of the area by over crowding conditions. Many subsistence users from Chitina, AK left this area because outsiders coming to this area to dip net forced them out. People from Fairbanks, AK began to use the area in the early 1960's. The Native subsistence users of Chitina also did not understand the State of Alaska fishing regulations. They quit fishing in this area in the 60's, because they thought the area was closed to fishwheel use.

6. Where has the resource been harvested? In the Chitina Subdistrict from the Copper River Bridge downstream to Wood Canyon.

7. When has the resource been harvested? May through October.

Is there any additional information that supports your proposal? Yes, a report by Dr. Fall and Dr. Simeone, *Patterns and Trends in the Subsistence Salmon Fishery of Upper Copper River, Alaska*, dated December 1996.

Proposed by: Copper River Native Association, Copper Center (Doc. F2001-15)

PROPOSAL F2001-16

1. What are you proposing to change? Season and harvest limits for the Glennallen Subdistrict.

How should the new regulation read?

2. Why should this change be made? Because the Ahtna people did not traditionally have a season. They should have access to the fish any time during the run.

3. What impact will this change have on fish and shellfish populations? No impact. The State of Alaska maintains the salmon populations are at a record high level, and have been for the past three years. The Ahtna people have been conservationists since time immemorial. The Ahtna took only what was needed and left the resource for future use. The Ahtna people have never depleted fish and wild game. They took care of the resource that they depended upon for food. Today, the Ahtna still have great respect for their food and resources and will not deplete the resource.

4. How will this change affect subsistence users? It will ensure that the Ahtna people have the greatest chance to obtain subsistence fish. The qualified subsistence users will be able to dry fish, jar or can fish, smoke strips, make fermented fish, or eat fish during the spring and late fall months. They will be able to maintain a customary and traditional subsistence lifestyle.

5. Which communities have used this resource? When? The people of the villages of Cantwell, Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina. (CRNA wishes to write this proposal for only the Ahtna people.) They have used the resource for thousands of years during the early spring and late fall months.

6. Where has the resource been harvested? In the Copper River and in all of the tributaries of the Copper River.

7. When has the resource been harvested? When the fish first appeared in the river and until the fish runs were completed.

Is there any additional information that supports your proposal? Yes, a report by Dr. Fall and Dr. Simeone, *Patterns and Trends in the Subsistence Salmon Fishery of Upper Copper River, Alaska*, dated December 1996.

Proposed by: Copper River Native Association, Copper Center (Doc. F2001-16)

PROPOSAL F2001-17

1. What are you proposing to change? Prince William Sound Area, Sockeye salmon regulations governing the harvest limits, methods and means of harvest, and season of subsistence salmon fishing in the Glennallen Subdistrict in the vicinity of the former Native village of Batzulnetas.

The current regulation reads as follows:

____.26(i)(11)(iii) You may take salmon, other than chinook salmon, in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit issued by ADF&G and under the following conditions:

- (A) You may take salmon only in those waters of the Copper River between ADF&G regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between ADF&G regulatory markers identifying the open waters of the creek;
- (B) You may use only fish wheels and dip nets on the Copper River and only dip nets and spears in Tanada Creek;
- (C) You may take salmon only from June 1 through September 1 or until the season is closed by emergency regulation; fishing periods are to be established by emergency regulation and are two days per week during the month of June and 3.5 days per week for the remainder of the season;
- (D) You must release chinook salmon to the water unharmed; you must equip your fish wheel with a livebox or monitor it at all times;
- (E) You must return the permit no later than September 30.

How should the new regulation read?

____.26(i)(11)(iii) ~~You may take salmon, other than chinook salmon, in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit issued by ADF&G and under the following conditions:~~ ***Salmon may be taken in the vicinity of the former Native village of Batzulnetas seven days per week from June 1, 2001 to September 1, 2001;***

- (A) ~~You may take salmon only in those waters of the Copper River between ADF&G regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between ADF&G regulatory markers identifying the open waters of the creek;~~ ***Salmon may be taken only in those waters of the Copper River between the mouth of Tanada Creek and approximately one-half mile downstream from that mouth, and in Tanada Creek***

between National Park Service regulatory markers identifying the open waters of the creek;

(B) Fishwheels and dip nets only may be used on the Copper River and only dipnets, **rod and reel**, and spears may be used in Tanada Creek;

(C) ~~You may take salmon only from June 1 through September 1 or until the season is closed by emergency regulation; fishing periods are to be established by emergency regulation and are two days per week during the month of June and 3.5 days per week for the remainder of the season; You must release chinook salmon to the water unharmed; you must equip your fish wheel with a livebox or monitor it at all times; The completed subsistence permits for this fishery be returned to the~~ **Glennallen office of the National Park Service** no later than September 30, 2001.

2. Why should this change be made? Because the federal regulation that governs the Batzulnetas fishery as of October 1, 1999, 64 Fed. Reg. 1309, § _____.269(I)(11)(iii), is identical to the former governing State regulation that restricted subsistence fishing and was found to be invalid under ANILCA by the federal district court in *John v. State*, No. A85-698 Civ. (Order dated January 19, 1990).

3. What impact will this change have on fish and shellfish populations? None

4. How will this change affect subsistence users? It will allow subsistence users to fish consistent with their traditional and customary practices.

5. Which communities have used this resource? When? Primarily the residents of Mentasta and Dot Lake. The Batzulnetas fishery has been used by the elders of Mentasta and Dot Lake since the 1920's, but has been a historic fishery of the Ahtna people long before that.

6. Where has the resource been harvested? At Batzulnetas at the confluence of Tanada Creek and the Copper River.

7. When has the resource been harvested? The harvest occurs at the beginning in June and runs through August.

Is there any additional information that supports your proposal? A recent published study by the National Park Service on the fish runs up the Tanada Creek.

Proposed by: Native American Rights Fund, Anchorage (Doc. F2001-17)

PROPOSAL F2001-18

1. What are you proposing to change? An allocation of 50% of the allowable catch of all species of salmon in the Copper River should be allocated to members of Federally-recognized Tribes on or adjacent to the Copper river.

How should the new regulation read?

2. Why should this change be made? Traditional Tribal fisheries on the Copper River continue to be allocated and displaced out of existence. The Federally-recognized Tribes on or adjacent to the Copper River do not have adequate input into the fisheries management of the Copper River.

The aboriginal inhabitants of the Copper River Basin have conducted a substantial fishery on the river since before recorded history. The first records of indigenous people on the Copper River talk about the large economic activity of harvesting and drying fish. When the commercial fishery began in the late 1800's this affected the people and caused food shortages. Improved commercial fisheries management improved when the then Federal managers shut down in-river commercial fishing. This, as well as, improved technology in the form of fishwheels that replaced dip nets, temporarily relieved food shortages. Native tributary fish camps were outlawed after statehood. These fisheries were replaced with sport fisheries. In the late 1970's the state began a campaign to encourage people to use the Chitina area for dip netting; this was because ANCSA formalized the property rights of the Natives of Chitina and allowed them to legally exert their rights to inhabit and maintain a presence in the area. Thousands of people now dip net in the Chitina area and this has forced the traditional Native fishermen out of the Chitina area. The McDowell Decision has now opened up the subsistence fishery to all Alaska residents. Since this time, the number of fishwheels has doubled. This is causing ever increasing harvest levels and has damaged the Native nature of the fishery causing more erosion of the aboriginal inhabitants' right to fish on the river. Most Native elders do not understand the shifts in the fishery and continue to believe that the subsistence laws protect them. As more and more Alaskans participate in this fishery, the Native fishermen are once again going to be displaced.

The historical averages for the run prior to statehood and prior to the time that records of the run were kept, pointed to an average catch of 50,000 per village. There was significant use of the fish for the nutritional needs of the villages as well as significant trading throughout interior and coastal Alaska.

Today's data system indicates that the subsistence catch by members of Federally-recognized Tribes on or adjacent to the Copper River is not even close to the

numbers previously harvest by these groups. A historically equitable allocation would be based on 50% of the allowable catch.

3. What impact will this change have on fish and shellfish populations?

4. How will this change affect subsistence users? Tribal members of the Federally-recognized Tribes on or adjacent to the Copper River will benefit. Sport/personal Use and Commercial fishermen will see reduced allocation.

Is there any additional information that supports your proposal?

Proposed by: Mount Sanford Tribal Consortium, Gakona (Doc. F2001-18)

PROPOSAL F2001-19

1. What are you proposing to change? Change the customary and traditional use determination for the Upper Copper River portion of the Prince William Sound Area to include residents of Dot Lake, Northway, Tanacross, Tetlin, Tok, and those that live along the Alaska Highway from the Canadian border to Dot Lake and along the Tok Cutoff from Tok to Mentasta Pass.

How should the new regulation read?

Prince William Sound Area

Glennallen Subdistrict of the Upper Copper River District and the waters of the Copper River near the mouth of and in Tanada Creek - Salmon - Residents of Prince William Sound Area ***and residents of Dot Lake, Northway, Tanacross, Tetlin, Tok, and those that live along the Alaska Highway from the Canadian border to Dot Lake and along the Tok Cutoff from Tok to Mentasta Pass.***

Copper River District, remainder - Salmon - Residents of Prince William Sound Area.

2. Why should this change be made? People from the Upper Tanana River area have a long history of harvesting sockeye and chinook salmon from the upper reaches of the Copper River using fishwheels and dip nets.

3. What impact will this change have on fish and shellfish populations? None.

4. How will this change affect subsistence users? This change will allow subsistence users who have a long history of harvesting subsistence resources (sockeye and chinook salmon) from the upper Copper River to continue their use no matter who is managing the Copper River fishery.

5. Which communities have used this resource? When? Dot Lake, Northway, Tanacross, Tetlin, Tok, and those that live along the Alaska Highway from the Canadian border to Dot Lake and along the Tok Cutoff from Tok to Mentasta Pass.

Elders from these communities tell stories of their people going to the Copper River to trade whitefish and muskrats for salmon and to catch them also. Many still know where the old trails are located. Several generations of people from Tok have gone to the Copper River near Slana to fish for salmon with their fishwheels.

6. Where has the resource been harvested? East bank of the Copper River from the confluence of the Slana River downstream to the Sanford River.

7. When has the resource been harvested? Late spring to mid-summer - Late May through June.

Is there any additional information that supports your proposal?

Proposed by: Douglas Hosken, Tok (Doc. F2001-19)

PROPOSAL F2001-20

1. What are you proposing to change? Change the customary and traditional use determination for the Upper Copper River portion of the Prince William Sound Area to include residents of Dot Lake, Healy Lake, Northway, Tanacross, and Tetlin.

How should the new regulation read?

Prince William Sound Area

Glennallen Subdistrict of the Upper Copper River District and the waters of the Copper River near the mouth of and in Tanada Creek - Salmon - Residents of Prince William Sound Area **and residents of Dot Lake, Northway, Tanacross, Tetlin, and Healy Lake.**

Copper River District, remainder - Salmon - Residents of Prince William Sound Area.

2. Why should this change be made? Residents of these upper Tanana villages have hunted and fished the Copper River and its tributaries and their uses should be recognized and protected under ANILCA and Federal management.

3. What impact will this change have on fish and shellfish populations? None, because the use has gone on for hundreds of years.

4. How will this change affect subsistence users? This change will recognize the traditional subsistence use of salmon of the upper Copper River villages within the Copper River drainage.

5. Which communities have used this resource? When? Requested communities have positive C & T determinations for the area and have documented historic use of salmon within the Copper river drainage.

6. Where has the resource been harvested? Within the Copper River area, the Slana River and Batzulnetas area.

7. When has the resource been harvested?

Is there any additional information that supports your proposal?

Proposed by: Dot Lake Village Council, Dot Lake (Doc. F2001-20)

PROPOSAL F2001-21

1. What are you proposing to change? Yakutat Area regulations governing take by use of rod and reel.

How should the new regulation read?

(12)(iv) You may take Salmon, steelhead trout, *and char may be taken only by rod and reel or under* the in the Situk and Ahrnklin Rivers, other trout and char only under authority of a subsistence fishing permit *issued by the Federal Subsistence Board. When taking salmon, trout, or char with rod and reel, a State sport fishing license is required, and sport fishing seasons and bag limits apply*

2. Why should this change be made?

3. What impact will this change have on fish and shellfish populations? This change will more likely increase harvest of steelhead.

4. How will this change affect subsistence users? This will allow subsistence users to more freely access steelhead in the Situk River.

5. Which communities have used this resource? When? Yakutat; September - May for steelhead, other fish are taken all year.

6. Where has the resource been harvested? Situk River and other river systems.

7. When has the resource been harvested? All year; September - May for Steelhead.

Is there any additional information that supports your proposal?

Proposed by: John Vale, Yakutat (Doc. F2001-21)

PROPOSAL F2001-40

1. What are you proposing to change? Southeast Alaska net fishery on the Taku River. We request that the regulation be changed to allow use of a 50 ft. long, 60 mesh deep net from Point Bishop north latitude 58° 13' 00". We request that 25 salmon (various species)/household be allowed.

How should the new regulation read?

2. Why should this change be made? The set net fishery is requested because very few people have river boats to get up to traditional fishing waters. More people have regular boats and a setnet fishery would be the easiest to do.

3. What impact will this change have on fish and shellfish populations? This action would have very little impact on the overall fish population. It is a major fish producing stream for the area.

4. How will this change affect subsistence users? This action would improve subsistence opportunities for the area.

5. Which communities have used this resource? When? Taku First Nations (Canadian side); Taku River Tlingit (US side).

6. Where has the resource been harvested? Three previous village sites with adjustments and changes made by the Federal government on demand, were used in the early part of this last century.

7. When has the resource been harvested? Fish harvesting on the Taku River system begins in May and ends in October.

8. Is there any additional information that supports your proposal?

Proposed by: Douglas Indian Association, Douglas (Doc. F2001-40)

PROPOSAL F2001-22

1. What are you proposing to change? Customary and traditional use, season, limits, methods, and users of cutthroat trout, rainbow trout and dolly varden char in Southeast Alaska.

How should the new regulation read?

Southeastern Alaska Area - *Cutthroat trout, rainbow trout, and Dolly Varden - Rural residents of Southeastern Alaska Area*

Method: rod and reel, any bait or lure

Season: No closed season

Bag limit: 6 fish per day of each species, no size limit

2. Why should this change be made? There has never been a federal subsistence determination or regulation for trout. We did not worry about this as traditionally the State sport fish regulations were adequate for our needs. A few years ago the State changed the regulation to favor trophy fishermen by banning the use of bait and limiting harvest to huge trout that many of our smaller lakes and beaver ponds would never produce. We have been attempting to get the State to change this regulation ever since, but without success, so now we are resorting to the FSB. Traditionally we catch trout while out hunting or on other excursions, to eat while hunting or to freeze or smoke for later eating. This is now essentially impossible with the current State regulations. Trout were the species of choice for teaching our children and grandchildren how to fish. Small children lack the coordination to use lures and flies. The size limit forces us to throw back fish that are fatally hooked, teaching our children to waste. The size limit kills more fish trying to catch 2 legal fish than if we were allowed to keep these wounded fish.

3. What impact will this change have on fish and shellfish populations? If restricted to rural residents, it should have little impact on trout populations except in some readily accessible roadside systems.

4. How will this change affect subsistence users? It will restore the tradition of fishing for and eating trout that is now severely restricted for rural residents of Southeast Alaska.

5. Which communities have used this resource? When?

6. Where has the resource been harvested? All readily accessible fresh waters in Southeast Alaska.

7. When has the resource been harvested? Year-round, but primarily spring through fall.

Is there any additional information that supports your proposal?

Proposed by: Bruce Eagle, Wrangell (Doc. F2001-22)

PROPOSAL F2001-23

1. What are you proposing to change? Establish subsistence season and bag limit for steelhead/rainbow trout Southeast-wide and specifically on Prince of Wales Island.

How should the new regulation read?

Steelhead/rainbow trout - one fish per week; 26-36 inches or greater than 40 inches

2. Why should this change be made?

3. What impact will this change have on fish and shellfish populations? Uncertain.

4. How will this change affect subsistence users? Increase rural opportunity for harvesting fish.

5. Which communities have used this resource? When? Klawock and all indigenous people on POW since time immemorial.

6. Where has the resource been harvested? Klawock River, Shinaku, Big Salt, Eleven Mile, Stoney Creek; all winter traditional camps. Reference - 1998 Goldschmidt and Haas, *Haa Aaní*.

7. When has the resource been harvested? October - June 1.

8. Is there any additional information that supports your proposal?

Proposed by: Thomas A. George, Klawock (Doc. F2001-23)

PROPOSAL F2001-24

1. What are you proposing to change? Revise sockeye harvest regulations for Klawock River.

How should the new regulation read?

____.26((i)(13)(iii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River, and Klawock Lake only from 8:00 a.m. ~~Monday~~ **Saturday** until 5:00 p.m. ~~Friday~~ **Wednesday**.

2. Why should this change be made? To help my Native people in Klawock and all Alaskan Natives, all rules and regulations must be in favor of all Alaskans. It's a known fact we need to be treated equal. We need all the sockeyes and etc. we've been eating for years. We need help. We need our seafood. I have an attorney to help us out if we cannot get cooperation from (elsewhere) we need fish, sockeyes, and etc. Season opened and closed on time, not repeat last spring's action; some people were working and I got left out of sockeyes. This is against our laws.

3. What impact will this change have on fish and shellfish populations? Uncertain if there will be any change.

4. How will this change affect subsistence users? It will increase opportunity to harvest fish.

5. Which communities have used this resource? When?

6. Where has the resource been harvested?

7. When has the resource been harvested?

8. Is there any additional information that supports your proposal?

Proposed by: ANS & ANB Camp 9, Klawock (Doc. F2001-24)

PROPOSAL F2001-25

1. What are you proposing to change? Reduce coho sport bag limit to two fish per day in streams accessible by the road system.

How should the new regulation read?

2. Why should this change be made? So as to increase the number of coho salmon in 12 Mile Creek, Harris River, Thorne River, etc.

3. What impact will this change have on fish and shellfish populations? Increase the number of cohos available to fishermen using the island road system.

4. How will this change affect subsistence users? Will not affect subsistence users.

5. Which communities have used this resource? When?

6. Where has the resource been harvested?

7. When has the resource been harvested?

8. Is there any additional information that supports your proposal?

Proposed by: Lewis Hiatt, Craig (Doc. F2001-25)

PROPOSAL F2001-26

1. What are you proposing to change? Increase bag limit for sockeye salmon at Salmon Bay Lake on north Prince of Wales Island from 10 to 50 and extend the season two weeks to August 15 for federally-qualified users.

How should the new regulation read?

Salmon Bay Lake - Sockeye salmon
50 per season

open until Aug. 15

2. Why should this change be made? To recognize customary and traditional harvest methods and means. To improve the cost effectiveness of users coming from long distances. Users in Wrangell have to make an 80-mile boat trip for 10 fish. It makes more sense to make one trip for 50 fish rather than 5 trips for 10 fish.

3. What impact will this change have on fish and shellfish populations? Total harvest would probably not change.

4. How will this change affect subsistence users? Proposal would have a positive effect on subsistence users. It would make it easier and more cost efficient for users to get the fish they need. It would improve the cost effectiveness of subsistence users.

Proposed by: Richard Stokes, Wrangell (Doc. F2001-26)

PROPOSAL F2001-27

1. What are you proposing to change? Establish a subsistence salmon fishery on the Stikine River for federally-qualified users.

How should the new regulation read?

Stikine River

Chinook salmon; season harvest limit of 5

June 1 - Aug. 1

Sockeye salmon; season harvest limit of 40

June 15 - Sept. 1

Coho salmon; season harvest limit of 20

July 15 - Oct. 1

2. Why should this change be made? To recognize customary and traditional use of these fish. Canadians at Telegraph Creek upstream of the border harvest large amounts of these species. Klukwan and Haines have similar regulations allowing them use of the Chilkat River salmon stocks.

3. What impact will this change have on fish and shellfish populations? Should have little impact on populations. If there is concern over the subsistence harvest, we could restrict the commercial harvests to accommodate subsistence needs.

4. How will this change affect subsistence users? Proposal would have a positive effect on subsistence users by allowing them to use fish that they have customarily and traditionally used for thousands of years before commercial exploitation of these stocks.

Proposed by: Richard Stokes, Wrangell (Doc. F2001-27)

PROPOSAL F2001-28

1. What are you proposing to change? Increase the sockeye bag limit at Virginia Lake (Mill Creek) for federally-qualified users.

How should the new regulation read?

Virginia Lake (Mill Creek)

Sockeye salmon; season harvest limit of 20; season open until Aug. 15.

2. Why should this change be made? To recognize customary and traditional harvest methods and means. To improve the cost effectiveness of users coming from long distances. It makes more sense to make one trip for 20 fish rather than 2 trips for 10 fish.

3. What impact will this change have on fish and shellfish populations? Total harvest probably would not change.

4. How will this change affect subsistence users? Proposal would have a positive effect on subsistence users. It would make it easier and more cost efficient for users to get the fish they need. It would improve the cost effectiveness of subsistence users.

Proposed by: Richard Stokes, Wrangell (Doc. F2001-28)

PROPOSAL F2001-29

1. What are you proposing to change? Increase the sockeye bag limit and extend the season at Thoms Creek on Wrangell Island for federally-qualified users.

How should the new regulation read?

Thoms Creek

Sockeye salmon; season harvest limit of 20

open until Aug. 15

2. Why should this change be made? To recognize customary and traditional harvest methods and means. To improve the cost effectiveness of users coming from long distances. Users in Wrangell have to make a long boat trip for 10 fish. It makes more sense to make one trip for 20 fish rather than 2 trips for 10 fish.

3. What impact will this change have on fish and shellfish populations? Total harvest probably would not change.

4. How will this change affect subsistence users? Proposal would have a positive effect on subsistence users. It would make it easier and more cost efficient for users to get the fish they need. It would improve the cost effectiveness of subsistence users.

Proposed by: Richard Stokes, Wrangell (Doc. F2001-29)

PROPOSAL F2001-30

1. What are you proposing to change? Close sport fishing for steelhead trout in Hamilton Bay River and Kadake Bay River.

How should the new regulation read?

Hamilton Bay River and Kadake Bay River are closed to the harvest of steelhead except by Federally-qualified subsistence users.

2. Why should this change be made? The sport fishing for these two streams have increased over the years to the point where customary and traditional gathering (subsistence) is virtually nil. Customary and traditional users are competing with sport fishermen for a very limited supply of steelhead trout.

3. What impact will this change have on fish and shellfish populations? The steelhead trout is rare in these streams now and the conservation of them now will ensure native stock for the future.

4. How will this change affect subsistence users? To conserve the steelhead trout will ensure the native run of the trout and will provide for the subsistence use of trout in our communities.

Sport fishermen have adjacent streams to fish in around the Kupreanof Island and Kuiu Island.

5. Which communities have used this resource? When? The village of Kake and surrounding communities during March/April and May.

6. Where has the resource been harvested? Hamilton River and Kadake River.

7. When has the resource been harvested? During March, April and May.

8. Is there any additional information that supports your proposal? The Kake customary and traditional users have always used these two rivers since time immemorial.

Proposed by: Organized Village of Kake and City of Kake, Kake (Doc. F2001-30)

PROPOSAL F2001-31

1. What are you proposing to change? Close sport fishing for sockeye salmon in Falls Lake, Gut Bay and Pillar Bay streams and increase subsistence limit.

How should the new regulation read?

All streams draining into Falls Lake, Gut Bay and Pillar Bay are closed to the harvest of sockeye salmon except by Federally-qualified subsistence users.

There is no harvest limit on the subsistence take of sockeye salmon from Falls Lake, Gut Bay and Pillar Bay streams.

2. Why should this change be made? For conservation reasons. Customary and traditional gathering users are being negatively impacted on their subsistence use of sockeye. The escapement sockeye study should be done on each stream.

3. What impact will this change have on fish and shellfish populations? It will help with the conservation of the sockeye salmon populations for the subsistence users.

4. How will this change affect subsistence users? A change in regulation would have a positive impact on subsistence users and have better conservation of the sockeye salmon. The Kake subsistence users will not have to cross hazardous waters to get their subsistence sockeye.

5. Which communities have used this resource? When? In time immemorial, the Kake villages have used these areas.

6. Where has the resource been harvested? Falls Lake (Falls Creek - Red Bluff), Gut Bay, Bay of Pillars.

7. When has the resource been harvested? The Kake village used this area during the June and July run.

8. Is there any additional information that supports your proposal? The harvest of sockeye taken by all fisheries are recorded by the Alaska Department of Fish and Game.

Proposed by: Organized Village of Kake and City of Kake, Kake (Doc. F2001-31)

PROPOSAL F2001-34

1. What are you proposing to change? Subdistrict 3B and 3C; permits should be issued to take coho salmon for subsistence.

The current regulation reads as follows:

____.26(i)(13)(v) Permits will not be issued for the taking of chinook or coho salmon, but if you take chinook or coho salmon incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any chinook or coho salmon taken in this manner on your permit calendar.

How should the new regulation read?

____.26(i)(13)(v) Permits will not be issued for the taking of chinook ~~or coho~~ salmon, but if you take chinook ~~or coho~~ salmon incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any chinook or coho salmon taken in this manner on your permit calendar.

2. Why should this change be made? Currently, only sport and commercial fishing is allowed for this species under State and Federal regulations.

3. What impact will this change have on fish and shellfish populations? Harvest of coho may be increased.

4. How will this change affect subsistence users? Affect will be positive, allowing subsistence users to harvest cohos which has long been denied by state regulations. Use of coho has always been traditional and customary.

Is there any additional information that supports your proposal?

Proposed by: Michael Douville, Craig (Doc. F2001-34)

PROPOSAL F2001-35

1. What are you proposing to change? Close Sarkar system above bridge to use of any nets for subsistence fishing.

The current regulation reads as follows:

How should the new regulation read?

2. Why should this change be made? Fish that traditionally escaped are now being caught; this does not allow enough escapement.

3. What impact will this change have on fish and shellfish populations? Will allow for better escapement. More fish in the future.

4. How will this change affect subsistence users? Little effect, as nets have never been used traditionally above saltwater. Users will still be able to fish in saltwater.

5. Which communities have used this resource? When?

6. Where has the resource been harvested? In saltwater below Sarkar bridge.

7. When has the resource been harvested? June and July.

Is there any additional information that supports your proposal?

Proposed by: Michael Douville, Craig (Doc. F2001-35)